

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (currently amended): Marking determining method, for determining a packet marking of packets of an incoming packet-flow, in order to keep said packets in conformance with a traffic policy,

said determining being based on an actual value of a traffic reservation parameter, said traffic reservation parameter being a measure of available network resources dedicated to packets of said incoming packet-flow having a pre-assigned priority,

said determining further being based on said pre-assigned priority of said packets of said incoming packet flow, said traffic reservation parameter having a predetermined minimum and a maximum value,

~~CHARACTERISED IN THAT~~ said marking method ~~comprises the following~~  
steps comprising:

holding a threshold value for said traffic reservation parameter, said threshold value lying between said minimum and said maximum value of said traffic reservation parameter;

metering said actual value of said traffic reservation parameter; and

determining said packet marking of each of said packets ~~only~~ based on said actual value of said traffic reservation parameter ~~if~~ when said actual value of said traffic reservation parameter exceeds said threshold value for said traffic reservation parameter.

2. (currently amended): Marking method according to claim 1, ~~CHARACTERISED IN THAT~~ wherein said determination packet marking additionally is based on at least one additional pre-assigned priority for each said packet of said incoming packet-flow, each said additional pre-assigned priority having a separate threshold value assigned to said traffic reservation parameter.

3. (currently amended): Marking determining method according to claim 1, ~~CHARACTERISED IN THAT~~ wherein said traffic reservation parameter is the filling level of a token bucket.

4. (currently amended): Marking determining method according to claim 1, ~~CHARACTERISED IN THAT~~ wherein said traffic reservation parameter is a sending rate estimate.

5. (currently amended): Marking determining method according to claim 1, ~~CHARACTERISED IN THAT~~ wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet loss priority.

6. (currently amended): Marking determining method according to claim 1,  
~~CHARACTERISED IN THAT~~ wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet traffic category.

7. (currently amended): Marking determining method according to claim 1,  
~~CHARACTERISED IN THAT~~ wherein said pre-assigned priority and/or said additional pre-assigned priority is a type of sender.

8. (currently amended): Marking determining device, for determining a packet marking of packets of an incoming packet-flow, in order to keep said packets in conformance with a traffic policy,

said determining being based on an actual value of a traffic reservation parameter, said traffic reservation parameter being a measure of available network resources dedicated to packets of said incoming packet-flow having a pre-assigned priority,

said determining further being based on said pre-assigned priority of said packets of said incoming packet flow, said traffic reservation parameter having a predetermined minimum and a maximum value,

~~CHARACTERISED IN THAT~~ said marking device ~~comprises the following~~  
parts comprising:

a. threshold holding part (THHP), adapted to hold a threshold value for said traffic reservation parameter, said threshold value lying between said minimum and said maximum value of said traffic reservation parameter;

b. metering part (MEP), adapted to check on said actual value of said traffic reservation parameter; and

c. determination part (DETP), adapted to determine said packet marking of each of said packets ~~only~~ based on said actual value of said traffic reservation parameter ~~if~~ when said actual value of said traffic parameter exceeds said threshold value for said traffic reservation parameter.

9. (currently amended): Marking determining device according to claim 8,

~~CHARACTERISED IN THAT~~ wherein said determination packet marking additionally is based on at least one additional pre-assigned priority for each said packet of said incoming packet-flow, each said additional pre-assigned priority having a separate threshold value assigned to each of said traffic reservation parameter.

10. (currently amended): Marking determining device according to claim 8,

~~CHARACTERISED IN THAT~~ wherein said traffic reservation parameter is a filling level of a token bucket.

11. (currently amended): Marking determining device according to claim 8,  
~~CHARACTERISED IN THAT~~ wherein said traffic reservation parameter is a sending rate estimate.

12. (currently amended): Marking determining device according to claim 8,  
~~CHARACTERISED IN THAT~~ wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet loss priority.

13. (currently amended): Marking determining device according to claim 8,  
~~CHARACTERISED IN THAT~~ wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet traffic category.

14. (currently amended): Marking determining device according to claim 8,  
~~CHARACTERISED IN THAT~~ wherein said pre-assigned priority and/or said additional pre-assigned priority is a type of sender.

15. (currently amended): Communication network element including a marking determination device as claimed in claim 8.